

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNSON DESIGN ASSOCIATES, INC.,
et al.,

No. C-07-5754 MMC

Plaintiffs,

**ORDER WITHDRAWING ORDER OF
REFERENCE**

v.

DUX INTERIORS, INC., et al.,

Defendants

_____ /

By order filed January 15, 2008, defendants' Motion to Dismiss Complaint was referred to the Honorable Wm. Fremming Nielsen, who thereafter set the matter for hearing on February 12, 2008. This Court has been advised that counsel for defendants, on today's date, reported to Judge Nielsen's chambers that the parties had reached a settlement and had agreed that the February 11, 2008 hearing should be vacated.

In light of the parties' reported settlement, the reference to Judge Nielsen is hereby WITHDRAWN.

The February 29, 2008 Case Management Conference remains as scheduled. If, by February 22, 2008, a dismissal has not been filed, the parties shall file on that date a Joint Case Management Statement and shall indicate therein whether any party objects to the Court's issuing a conditional dismissal in lieu of the parties' appearing at the Case

1 Management Conference.¹

2 **IT IS SO ORDERED.**

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4 Dated: February 11, 2008

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6 MAXINE M. CHESNEY
7 United States District Judge

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¹The conditional dismissal would provide as follows: "IT IS HEREBY ORDERED
26 that all claims alleged herein be dismissed without prejudice; provided, however, that if any
27 party hereto shall certify to this Court, within ninety days, with proof of service of a copy
28 thereon on opposing counsel, that the agreed consideration for the settlement has not been
delivered, the foregoing order shall stand vacated and the action shall forthwith be restored
to the calendar to be set for trial." Such dismissal is without prejudice to plaintiff's
thereafter filing a dismissal with prejudice.